

Coast Guard, DOT

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and on the high seas beyond the territorial seas for boats owned in the United States except:

- (a) Foreign boats temporarily using waters subject to U.S. jurisdiction;
- (b) Military or public boats of the United States, except recreational-type public vessels;
- (c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;
- (d) Ship's lifeboats.
- (e) Seaplanes on the water.

[CGD 72-120R, 38 FR 8115, Mar. 28, 1973, as amended by CGD 92-045, 58 FR 41607, Aug. 4, 1993]

§ 175.3 Definitions.

As used in this part:

Boat means any vessel—

- (1) Manufactured or used primarily for noncommercial use;
- (2) Leased, rented, or chartered to another for the latter's noncommercial use; or
- (3) Operated as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C.

Passenger means an individual carried on a vessel except—

- (1) The owner or an individual representative of the owner or, in the case of a vessel chartered without a crew, an individual charterer, or an individual representative of the charterer;
- (2) The master or operator of a recreational vessel; or
- (3) A member of the crew engaged in the business of the vessel, who has not contributed consideration for carriage, and who is paid for onboard services.

Racing shell, rowing scull, racing canoe, and racing kayak means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

Recreational vessel means any vessel being manufactured or operated primarily for pleasure, or leased, rented, or chartered to another for the latter's pleasure. It does not include a vessel

engaged in the carriage of passengers-for-hire as defined in 46 CFR chapter I, subchapter C, or in other subchapters of this title.

Sailboard means a sail propelled vessel with no freeboard and equipped with a swivel mounted mast not secured to a hull by guys or stays.

Use means operate, navigate, or employ.

Vessel includes every description of watercraft used or capable of being used as a means of transportation on the water.

[CGD 92-045, 58 FR 41607, Aug. 4, 1993, as amended by USCG-1999-5040, 67 FR 34759, May 15, 2002]

EFFECTIVE DATE NOTE: By USCG-2000-8589, 67 FR 42493, June 24, 2002, § 175.3 was amended by adding the definition for “*State*” in alphabetical order, effective Dec. 23, 2002. For the convenience of the user, the added text is set forth as follows:

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State means a State or Territory of the United States of America, whether a State of the United States, American Samoa, the Commonwealth of the Northern Marianas Islands, the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands.

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§ 175.5 Exemption from preemption.

The States are exempted from preemption by Federal regulations when establishing, continuing in effect, or enforcing State laws and regulations on the wearing or the carriage of personal flotation devices directly related to the following subject areas within the jurisdictional boundaries of the State:

- (a) Children on board any vessel;
- (b) Operating a canoe or kayak;
- (c) Operating a sailboard; and
- (d) Operating a personal watercraft.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

Subpart B—Personal Flotation Devices

§ 175.11 Applicability.

This subpart applies to all recreational vessels that are propelled or

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controlled by machinery, sails, oars, paddles, poles, or another vessel.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

§ 175.13 Definitions.

As used in this subpart:

(a) “Personal flotation device” means a device that is approved by the Commandant under 46 CFR Part 160.

(b) “PFD” means “personal flotation device”.

§ 175.15 Personal flotation devices required.

Except as provided in § 175.17:

(a) No person may use a recreational vessel unless at least one PFD of the following types is on board for each person:

- (1) Type I PFD;
- (2) Type II PFD; or
- (3) Type III PFD.

(b) No person may use a recreational vessel 16 feet or more in length unless one Type IV PFD is on board in addition to the total number of PFD's required in paragraph (a) of this section.

[CGD 81-023, 55 FR 32034, Aug. 6, 1990, as amended by CGD 92-045, 58 FR 41608, Aug. 4, 1993]

EFFECTIVE DATE NOTE: By USCG-2000-8589, 67 FR 42493, June 24, 2002, § 175.15 was amended by removing from the introductory text the cite “§ 175.17” and adding in its place the cite §§ 175.17 and 175.25”; by removing from paragraph (b) the term “PFD's” and adding in its place the term “PFDs”; and by adding a new paragraph (c), effective Dec. 23, 2002. For the convenience of the user, the added text is set forth as follows:

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* * * * *

(c) No person may operate a recreational vessel under way with any child under 13 years old aboard unless each such child is either—

- (1) Wearing an appropriate PFD approved by the Coast Guard; or
- (2) Below decks or in an enclosed cabin.

§ 175.17 Exemptions.

(a) A Type V PFD may be carried in lieu of any PFD required under § 175.15, provided:

- (1) The approval label on the Type V PFD indicates that the device is approved:

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(i) For the activity in which the vessel is being used; or

(ii) As a substitute for a PFD of the Type required on the vessel in use;

(2) The PFD is used in accordance with any requirements on the approval label; and

(3) The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.

(b) Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD required under § 175.15(b).

(c) Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any Type PFD required under § 175.15.

(d) Sailboards are exempted from the requirements for carriage of any Type PFD required under § 175.15.

(e) Vessels of the United States used by foreign competitors while practicing for or racing in competition are exempted from the carriage of any PFD required under § 175.15, provided the vessel carries one of the sponsoring foreign country's acceptable flotation devices for each foreign competitor on board.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993; 58 FR 51576, Oct. 4, 1993, as amended by CGD 97-023, 62 FR 33365, June 19, 1997; USCG-1998-3799, 63 FR 35533, June 30, 1998]

§ 175.19 Stowage.

(a) No person may use a recreational boat unless each Type I, II, or III PFD required by § 175.15 of this part, or equivalent type allowed by § 175.17 of this part, is readily accessible.

(b) No person may use a recreational boat unless each Type IV PFD required by § 175.15 of this part, or equivalent type allowed by § 175.17 of this part, is immediately available.

[CGD 81-023, 55 FR 32034, Aug. 6, 1990]

§ 175.21 Condition; size and fit; approval marking.

No person may use a recreational boat unless each PFD required by § 175.15 of this part or allowed by § 175.17 of this part is:

- (a) In serviceable condition as provided in § 175.23;